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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/673,902 | 09/29/2003 | Kevin J. Foreman | A1996006C2 | 1981 |

26643 7590 12/13/2006

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| EXAMINER |
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HUYNH, BA

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| ART UNIT | PAPER NUMBER |
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2179

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/673,902 | Applicant(s) FOREMAN ET AL. | |
| | Examiner Ba Huynh | Art Unit 2179 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by US patent

#5,442,744 (Piech et al).

- As for claims 1, 10: Piech et al (hereinafter Piech) teach a computer implemented system comprising programming codes and graphical user interface, comprising a computer readable medium storing computer program instructions for a computer program that facilitates editing of a motion picture using motion video data on a computer, wherein the computer program, when executed by a computer provides a graphical user interface, comprising: a viewer window 11 on a display for the computer for viewing motion video data; and a timeline region 15 on the display and nonoverlapping with the viewer window for displaying a timeline representing selections of the motion video data in a temporal order that specifies the motion picture; wherein each selection of the motion video data is represented by a clip object displayed on the timeline and having a size and a position on the timeline corresponding to a position of the selection in the motion picture being edited (player 11, Storyboard 13 and Strip view 15 are interrelated) and a duration of the selection (indicated by the time scale 27, 4:16-18), and wherein each clip object includes trim handles (Splinder) for the user to select an edge of the clip object to perform a trim

operation by dragging the edge of the clip object to a desired trim point, thereby adjusting the size of the clip object and the duration of the corresponding selection of motion video data (4:16-56; figs 1, 3-5).

- As for claims 2, 11: The trim operation is a trim right operation that removes frames from an incoming edge of a clip (4:62-5:59).
- As for claims 3, 12: The trim operation is a trim right operation that adds frames to an outgoing edge of a clip (4:62-5:59).
- As for claim 4, 13: The trim operation is a trim left operation that adds frames to an incoming edge of a clip (4:62-5:59).
- As for claim 5, 14: The trim operation is a trim left operation that removes frames from an outgoing edge of a clip (4:62-5:59).
- As for claim 6, 15: The clip object has a start point and a stop point in the selection of motion video data and wherein the graphical user interface enforces boundary conditions on the trim operation (i.e., the trim operation change the boundary of the clip, 4:62-5:59).
- As for claim 7, 16: The boundary conditions includes a requirement that the start point precede the stop point in the selection of motion video (start point 537 precedes stop point 542. Start point 543 of clip 2 also precede stop point 542 of clip 1 in trim left operation, 4:62-5:59).
- As for claims 8, 17: The boundary conditions include a requirement that the start point and the stop point are separated by at least one frame (frame 537 and 542 are separated by in-between frames, 4:62-5:59).
- As for claims 9, 18: The boundary conditions include a requirement that the start point and the stop point are within the selection of motion video data available in a corresponding data file for

storing the selection of motion video data (start point 537 and stop point 542 are within the selection of the clip, 4:62-5:59).

Response to Arguments

2. Applicant's arguments filed 9/20/06 have been fully considered but they are not persuasive.

REMARKS:

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant should submit an argument pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. As set forth in the rejection, Piech teaches a trim handles (Splinder) for the user to select an edge of the clip object to perform a trim operation by dragging the edge of the clip object to a desired trim point, thereby adjusting the size of the clip object and the duration of the corresponding selection of motion video data (4:16-56; figs 1, 3-5).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
12/8/06

BA HUYNH
PRIMARY EXAMINER